

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

BULLION MONARCH MINING, INC., a	)	3:08-CV-227-ECR-VPC
Utah corporation,	)	
	)	MINUTES OF THE COURT
Plaintiff,	)	
	)	DATE: July 29, 2010
vs.	)	
	)	
NEWMONT USA LIMITED, a Delaware	)	
corporation, d/b/a NEWMONT MINING	)	
CORPORATION, and DOES I-X,	)	
inclusive,	)	
	)	
Defendant.	)	
	)	
NEWMONT USA LIMITED, a Delaware	)	
corporation, dba NEWMONT MINING	)	
CORPORATION,	)	
	)	
Counterclaimant,	)	
	)	
vs.	)	
	)	
BULLION MONARCH MINING, INC., a	)	
Utah corporation,	)	
	)	
Counterdefendant.	)	
	)	

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

Newmont USA Limited ("Newmont") has filed objections (## 275, 278) to several orders (## 268, 269) of the Magistrate Judge, as well as several motions (## 276, 277, and 279) seeking stays of those orders and expedited consideration of Newmont's objections.

There is no need for any stay of the Magistrate Judge's orders for us to have time to meaningfully consider Newmont's objections. We have been aware of these disputes, and have studied the matters at issue in anticipation that such objections would soon be filed.

The Magistrate Judge's orders are neither clearly erroneous nor contrary to law. The Magistrate Judge carefully considered the appropriate factors in determining whether Newmont had waived its privilege and should be compelled to produce the documents designated in the privilege log. Though it is an unfortunate step to have to take, we agree with the Magistrate Judge's conclusion that Newmont's own actions and inactions compel the result. We also have no disagreement with her conclusion to allow Bullion to take the deposition of Attorney Scott Hardt. We have doubts as to whether Mr. Hardt was, in fact, the "decision maker," as Bullion argues, but this is a matter that may be explored in the deposition.

It may or may not be the case that these discovery disputes will ultimately have no bearing on the outcome of the pending motions for summary judgment and partial summary judgment, as Newmont suggests. Nevertheless, we granted Bullion time to supplement its opposition based on the additional discovery sought, and we will not rule on the pending motions for summary judgment until that time is passed.

**IT IS, THEREFORE, HEREBY ORDERED** that Newmont's Objections (## 275, 278) are **OVERRULED**.

**IT IS FURTHER ORDERED** that Newmont's emergency motions for stays (## 276, 279) and motion to shorten time (#277) are **DENIED** as moot.

LANCE S. WILSON, CLERK

By                     /s/                      
Deputy Clerk